

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSHUA TRYSON,	:	
	:	
	Plaintiff,	:
	:	
v.	:	NO. _____
	:	
ALLSTATE INSURANCE CO.,	:	
	:	
	Defendant.	:

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA:

The named defendant in the above-captioned action, Allstate Insurance Co. (“Allstate”), removes this action pursuant to 28 U.S.C. § 1441, et. seq., from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania. In support of this Notice of Removal, defendant Allstate states as follows:

1. Plaintiff, Joshua Tryson (“Tryson”), commenced an action in the Court of Common Pleas, Philadelphia County, captioned Tryson v. Allstate Insurance Co., docketed on or about January 29, 2002, Civil Action No. 02-0103321. Pursuant to 28 U.S.C. § 1446(a), a copy of all process pleadings and orders served upon defendant Allstate in that action are attached hereto as Exhibits A through C.

2. Plaintiff served a Complaint by first-class mail on or about July 2, 2002. Defendant Allstate received the Complaint on or about July 8, 2002. See Exhibit C. This notice

of removal is being filed within thirty (30) days of the receipt of the Complaint as required by 28 U.S.C. § 1446(b).

3. The controversy between plaintiff and defendant which gives rise to the action initially brought in the Court of Common Pleas of Philadelphia County is one over which the United States District Court for the Eastern District of Pennsylvania has original diversity jurisdiction pursuant to 28 U.S.C. § 1332 for the following reasons:

- a. Plaintiff Tryson is an individual who identifies his address as within the Commonwealth of Pennsylvania and is therefore a citizen of Pennsylvania. See Exhibit C at ¶ 1;
- b. Defendant Allstate is an insurance company incorporated under the laws of the State of Illinois with its principal place of business in the State of Illinois and is therefore a citizen of Illinois; and
- c. The amount in controversy is in excess of \$75,000, exclusive of interest or costs, based on allegations of harm in the Complaint. Specifically, the two-count Complaint contains an express demand for \$100,000 in each count, as well as compensatory damages, punitive damages, and statutory attorney's fees.

4. True and correct copies of this Notice of Removal will be filed with the Prothonotary of the Court of Common Pleas of Philadelphia County and served upon plaintiff who is currently proceeding pro se.

WHEREFORE, defendant, Allstate Insurance Co., requests that this Court remove the above-described action to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Marshall J. Walthew, Esquire
Attorney I.D. No. 55329
Joan E. Burnes, Esquire
Attorney I.D. No. 82418
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1717 Arch Street
Philadelphia, PA 19103
(215) 994-4000

Attorneys for Defendant,
Allstate Insurance Co.

Dated: July 19, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Notice of Removal upon counsel listed below via First Class U. S. Mail addressed as follows:

Joshua Tryson
408 W. Second Avenue
Parkesburg, PA 19365

Pro Se Plaintiff

Dated: July 19, 2002

Joan E. Burnes

